

MISSOURI COURT OF APPEALS
WESTERN DISTRICT
1300 OAK STREET
KANSAS CITY, MISSOURI 64106

DIVISION I

HAROLD L. LOWENSTEIN, P.J.
PAUL M. SPINDEN, J.
THOMAS H. NEWTON, J.

DIVISION II

JAMES M. SMART, JR., P.J.
EDWIN H. SMITH, J.
LISA WHITE HARDWICK, J.

DIVISION III

JOSEPH M. ELLIS, P.J.
ROBERT G. ULRICH, J.
RONALD R. HOLLIGER, J.

DIVISION IV

VICTOR C. HOWARD, CHIEF JUDGE
PATRICIA A. BRECKENRIDGE, J.
RONALD R. HOLLIGER, J.

AUGUST, 2006

NOTICE TO COUNSEL

Enclosed is a copy of the Court's docket scheduling your case for argument. Please review this docket and the following information carefully. Please note the information below for each division:

DIVISION I: (THIS DIVISION WILL SIT ON AUGUST 8TH AND 17TH, 2006. DOCKET CALL ON BOTH DATES IS AT 9:00 A.M. THE DATE OF YOUR ARGUMENT APPEARS ON TOP OF THE PAGE ON WHICH YOUR CASE APPEARS.)

DIVISION II: (THIS DIVISION WILL SIT ON AUGUST 9TH AND 23RD, 2006 AND WILL HAVE A SPLIT DOCKET CALL ON BOTH DATES. THE FIRST DOCKET CALL WILL BE AT 9:00 A.M. AND THE SECOND AT 10:30 A.M. THE DATE AND TIME OF YOUR DOCKET CALL AND ARGUMENT ARE LOCATED AT THE TOP OF THE PAGE ON WHICH YOUR CASE APPEARS.)

DIVISION III: (THIS DIVISION WILL SIT ON AUGUST 10TH AND 31ST, 2006 WITH ONE DOCKET CALL AT 9:00 A.M. ON EACH DATE. THE DATE IS LOCATED AT THE TOP OF THE PAGE ON WHICH YOUR CASE APPEARS.)

DIVISION IV: (THIS DIVISION WILL SIT ON AUGUST 30TH AND WILL HAVE A SPLIT DOCKET CALL AT 9:00 AND 10:30 A.M. THE TIME OF YOUR ARGUMENT APPEARS AT THE TOP OF THE PAGE ON WHICH YOUR CASE APPEARS.)

If you are not present for the docket call, your case will be submitted on the briefs. If you do not intend to orally argue a docketed case (whether the appellant or respondent), please notify this office immediately of that decision. Any respondent who has not filed a brief will not be permitted oral argument.

PLEASE NOTE THE FOLLOWING CHANGE IN ARGUMENT TIMES:

In most cases, counsel will be allowed a maximum of 10 minutes per side with an additional three minutes for rebuttal by the appellant. In cases designated as "expanded oral argument" preceded and followed by three asterisks, argument will be expanded to 15 minutes per side with an additional five minutes allowed for rebuttal by the appellant.

The Court may call upon counsel to announce the amount of time they intend to use when the docket is called. Please keep in mind that the judges on the panel will be familiar with the briefs. The Court views oral argument as an opportunity to focus on the points of difficult analysis rather than a forum to verbally rehash the entire brief. Therefore, the Court expects counsel to tailor their requests for time accordingly. Counsel should also remember that they are not required to use the total time reserved.

Cross appeals shall be treated as one case, and in such cases the plaintiff in the trial court shall be entitled to open and close the argument. If there are multiple appellants or respondents, the parties will ordinarily be expected to divide among themselves the time allowed for an appellant or respondent.

All exhibits should be filed with the Court by the day of oral argument, pursuant to Rule 81.15. If the case is taken under submission without oral argument, exhibits shall be filed with the Clerk within five days after the case is taken under submission. Refer to Special Rule IV regarding the index of exhibits and certification of exhibits. After the case has been decided, it is the attorneys' responsibility to pick up any exhibits filed with the Court. It is also the attorneys' responsibility to make sure that the record is complete before submission. Exhibits not filed on or before the day of argument may be considered by the Court as immaterial to the issues on appeal.

Opinions are issued each Tuesday morning. Motions for rehearing and/or transfer to the Supreme Court must be filed within fifteen (15) days after the opinion has been issued.

If you have any questions concerning the docket, please contact this office at 816-889-3600. If you have special needs addressed by the Americans with Disabilities Act, please notify this office at least one week prior to the date of oral argument.

Terence G. Lord, Clerk